



The Salisbury Planning Board held its regular meeting Tuesday, November 13, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Richard Huffman, Sandy Reitz, Jeff Smith, Albert Stout, and Price Wagoner

ABSENT: Tommy Hairston, Craig Neuhardt, Valerie Stewart, and Diane Young

STAFF: Preston Mitchell, Dan Mikkelson, Diana Moghrabi, Joe Morris and David Phillips

Dr. Mark Beymer, Chairman, called the meeting to order and offered an invocation. The minutes of the October 23, 2007, meeting were approved as submitted. The Planning Board adopted the agenda as submitted. Notifications for Z-13-07 were mailed but Kevin Edwards, NuCare Ambulance, had the petition deferred. Dr. Beymer explained the courtesy hearing procedures.

NEW BUSINESS

A. Zoning Map Amendments

Z-14-07 Arlington Partners
Mike Kelly, Arlington Partners
1011 East Innes Street
Tax Map - Parcel(s): 059-07902 & 059-098
MEDIUM COMMERCIAL zoning (B-4)
to HEAVY COMMERCIAL zoning (B-6)

Preston Mitchell made a staff report that included maps and photos of the area. The former Waffle House and the hotel are in the state of demolition.

Staff is proposing that five additional parcels be included in this B-4 to B-6 rezoning petition. Staff contacted the only property owner with vacant, developable land (Spectra Group, Inc.) and received their consent to expand the petition area. The two restaurants (Cracker Barrel & Blue Bay) would not be affected by the inclusion; in fact, it would ease parking location restrictions that are part of the proposed ordinance. The proposed CMX district permits only two rows of parking in the 'front yard' area along a public street while the HB district has no parking location restrictions.

There are no specific policies that directly (or unquestionably) apply to a medium-commercial to heavy-commercial rezoning at major street intersections; however, there

are policies that generally speak to large-scale commercial areas as well as to the community-minded sensitivities associated with East Innes Street near the interstate.

Concern for the “stripping out” of East Innes Street with homogenous, disconnected, auto-dominated commercial retail and restaurant is addressed by policies and objectives that call for design and development pattern considerations. In terms of zoning, it recognizes that the area will remain medium-to-heavy commercial, but careful consideration should be given to zoning districts that could negatively affect the viewshed to and from downtown along the East Innes Street corridor.

Staff is comfortable with the petitioner’s request and our proposal to expand the petition area to the five additional parcels because none of them front directly onto East Innes Street (except for existing driveway access). In addition, the B-6 (or proposed HB) district would not encroach into the East Innes Street Gateway Overlay District; in turn, further protecting the corridor and viewshed. Lastly, the rezoning would create a consistent, contiguous heavy-commercial zoning pattern from the Wal-Mart site the Gateway Overlay boundary. This area essentially “sits in a hole” due to the topographic rise of the interstate and cannot expand any further west due to the location of Town Creek.

A final, positive, consideration of this rezoning petition is the potential for greyfield redevelopment and the positive economic investment.

No one spoke in opposition.

Those speaking in favor

Ed Zotian, 1076 W. 4th Street, Suite 400, Winston-Salem, (27101) is an independent consultant representing Arlington Partners. He believes this request is not inconsistent with the surrounding land; it is not in any way a spot or inconsistent zoning request. The surrounding property owners endorse the petition and support it. This rezoning will not encroach into the East Innes Street Gateway. They intend to build a new hotel and restaurant on the property petitioned for rezoning.

Planning Board Discussion

Dick Huffman asked to recuse himself because he has represented Arlington Partners’ properties in the past, on this particular piece of property, on issues before City Council. Planning Board agreed.

Robert Cockerl stated that this rezoning seems consistent with what is already there. He then made a MOTION stating that, “The Planning Board finds and determines that rezoning petition Z-14-07 is consistent with the goals, objectives, and policies of the 2000 Growth Plan and the Vision 2020 Comprehensive Plan and hereby recommends approval.” This includes the five additional parcels. Albert Stout seconded the motion with all members voting AYE. (7-0) City Council will hold a Public Hearing, in Council Chamber, December 4, 2007, at 4 p.m.

Planning Board returned Dick Huffman to the dais.

B. Group Developments

G-05-94 Town Creek Commons – Chick-Fil-A
 902 East Innes Street
 Tax Map 016, Parcel 316, Zoning B-4 & B-7 w/G-EI Overlay

Salisbury Zoning Administrator, David Phillips, made a presentation on each of the group developments.

Mr. Dustin Doyal, of Atlanta, GA, submitted the application for a revision to a previously approved group development site plan to modify and relocate a portion of the existing dumpster structure. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application with the following revisions:

- Staff recognizes the existing dumpster location creates site distance problems which have resulted in numerous citizen complaints. To relocate part of the dumpster site will indeed help the situation; however, it does not resolve it. Staff recommends the relocation of the entire dumpster site in order to completely remedy the site distance problem.

The plan calls for adding a storage room and relocating a portion of the dumpster. (The dumpster is not presently located in the originally approved location.) Karen Alexander stated that she agrees with staff to remove the entire dumpster to improve the sight distance problem. She stated that this is a dangerous site with the dumpster in its present location.

There was no public comment.

Sandy Reitz agreed with Karen Alexander and asked what kind of response staff received from Chick-Fil-A about the staff recommendation. David Phillips stated that they have not had a response from the final staff comments. Mark Beymer commented on his personal experience and stated that he is in favor of the staff proposal. Albert Stout recognized that Chick-Fil-A was not required to move any part of the dumpster. Jeff Smith agreed with Karen Alexander and added that this was an opportunity to clear up the situation with the dumpster.

Mr. Smith then made a MOTION to deny G-05-94 and asked staff to make the recommendation to move the entire dumpster again. Robert Cockerl seconded the motion with all members voting AYE. (8-0 to deny)

G-14-07 Cloninger Toyota
511 Jake Alexander Blvd. South
Tax Map 061, Parcel 122, Zoning M-1

Mr. George Morgan, of Summit Developers, submitted the application for the construction of a 480 square-foot addition and a 1,440 square-foot renovation to the front façade of the existing facility located at 511 Jake Alexander Boulevard South. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application, as submitted.

The plan includes an approximately 1,200-square-foot canopy and 480-square-feet of office space.

There was no public comment.

Jeff Smith made a MOTION to approve G-14-07. Sandy Reitz seconded the motion with all members voting AYE. (8-0)

G-15-07 City of Salisbury-Radio Shop
240 West Franklin Street
Tax Map 011, Parcel 055A, Zoning R-6-A & M-1

Staff is looking at this as a principle structure and not an accessory structure.

Mrs. Deborah Young, of the City of Salisbury, submitted the application for the construction of a 2,500-square-foot building at the existing City facility located at 300 West Franklin Street. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application with the following revisions:

1. Staff recommends installation of a 5-foot sidewalk based upon the Transit Operations site frontage (approximately 200 feet) along West Lafayette Street. The sidewalk does not necessarily need to be located adjacent to the proposed radio ship. It could serve a higher purpose at a mutually acceptable alternate location.
2. Policy N-5 of Vision 2020: New infill development shall be architecturally compatible with existing structures, landscape features and the streetscape within its vicinity. Efforts by neighborhood associations to establish their own standards for development compatibility shall be encouraged.

West Lafayette Street marks the southern boundary of the North Main Street Small Area Plan (and the North Main Street National Register Historic District). Architectural character and neighborhood identity were persistent themes expressed by residents during

development of the plan. The predominantly residential neighborhood has commercial and industrial uses near its center and along the periphery that were developed at a time when little attention was paid to the importance of maintaining pre-existing urban forms or protecting residential uses. As a result, the neighborhood is hampered with oversized parking lots and outdated warehouses, shops and convenience stores that detract from its historic character and put a damper on further revitalization. For these reasons, it is imperative that new development be encouraged to reflect the prevailing architectural tradition of the area (i.e., building materials, rooflines, architectural fenestration) if at all possible until such can be required through the new Land Development Code. Adequate landscape screening should be used to lessen the impact of commercial and industrial uses and parking areas.

There was not comment from the public.

Jeff Smith said he was in full agreement with the sidewalk issue staff proposed. A lot of work needs done on the look of the building. He recommends that the building front Lafayette Street. There is nothing wrong with holding the City to the proposed LDO standards on the look of the building; if anything, the City should set the standard. He cannot approve it the way it was submitted.

Karen agreed with Jeff Smith and added that, "We have worked very hard as a City in terms of working with an historic district to ensure that commercial applications within our historic neighborhoods are sensitive to that. We have an opportunity here to front this building onto Lafayette Street and to create an example for the rest of commercial buildings. I have no problem with the other side of the building being 200 feet back mimicking more of a garage door. Still, the building needs to look more in keeping with the residential character of the neighborhood."

Jeff Smith made a MOTION to deny G-15-07 "with recommendations that the City look toward orienting the building on Lafayette Street, and that they look seriously to the proposed Land Development Ordinance standards, as applied to look and appearance, based on material and other things for a commercial building." Albert Stout seconded the motion with all members voting AYE. (8-0 to deny—with recommendations)

G-16-07 Walk-On Products
200 Peeler Road
Tax Map 408, Parcel 051

Mr. William Brendle of Statesville submitted the application for the construction of a 31,800 square-foot metal warehouse to be located at 200 Peeler Road. All zoning criteria have been met. The TRC recommends approval as submitted.

This site is a satellite annexation that used to be a Reynolds Aluminum can facility.

There was no public comment.

Karen Alexander asked if there were any residential neighborhoods in the area and any requirement for visual buffering. David Phillips answered “no” – County zoning and vacant land adjoins this property.

Albert Stout made a MOTION to recommend approval of G-16-07 as submitted. Price Wagoner seconded the motion with all members voting AYE. (8-0)

G-17-07 Milford Hills United Methodist Church

1630 Statesville Boulevard

Tax Map 327, Parcel 012-01, Zoning R-8

Mr. Nathan Coyle of Ramsey, Burgin, Smith Architects submitted the application for the construction of a 12,476 square-foot addition to the existing facility located at 1630 Statesville Boulevard. All zoning criteria have been met. The TRC recommends approval of the application with the following revisions:

1. The proposed dumpster drainage is not recommended. This design could lead to standing water and maintenance problems.
2. Staff recommends channelization where the one-way drive comes together to provide traffic deviation.

David Phillips made a detailed presentation of the project site. They are adding landscaping to meet code. As part of their driveway permit from NCDOT, they will have to sign the traffic as “Do Not Enter” and “One Way.”

No one spoke in opposition.

Those speaking in favor

James Freeman, 370 Mainsail Drive, is a member of the church and Chairman of the Building Committee. The church has a front door that “no one knows how to use” so they want to improve access to the front door. They need more educational space and modern office space. They are fortunate to have a lot of land. They prefer not to have a lot of asphalt but hope to fill their parking lot with cars. The architect is present to answer questions.

Mr. Nathan Coyle, 225 N. Main Street, said that the church helped by meeting with neighbors. The neighborhood liked the larger parking area because it will take traffic and congestion off of Brandon Drive. (Currently a lot of parishioners will park on Brandon Drive.) Neighbors also liked the adoption of the street yard—currently there is no green buffer at all.

The church did not want to go with the staff recommendation because a first-time visitor (someone entering from Statesville Boulevard) can continue safely during slower times. The permit requires three signs: (2) Do Not Enter and One Way.

The Planning Board believed that this is a safety issue and Mr. Freeman said that the church did not have a problem with the recommendation. Staff suggested making the channelization curb more mountable (Do not use vertical curbing).

Karen Alexander made a MOTION to recommend approval of G-17-07, with the recommendation that they add channelization where the egress and ingress meet to include mountable curbing. Albert Stout seconded the motion with all members voting AYE. (8-0)

OTHER BOARD BUSINESS

Mark Beymer reported that a presentation was made to City Council on the proposed Land Development Ordinance. A Public Hearing will be held November 20, 2007. Dr. Beymer passed on the gratitude from City Council for the contributions of the Planning Board on this issue.

COMMITTEES

A. Legislative Committee A—T-01-07/Signs

Valerie Stewart, Chair; Jeff Smith, Mark Beymer, Robert Cockerl, Karen Alexander, and Richard Huffman—The committee needs to set a meeting time and day. Please correspond with staff.

There being no further business to come before the Planning Board, the meeting was adjourned at 5:18 p.m.



Dr. Mark Beymer, Chair



Diane Young, Vice Chair



Secretary, Diana Moghrabi

